

**Records Retention Schedule for
All Public Bodies
Legal Records
Civil Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
1.	Routine Matter Records (may include, but not limited to aviation; bankruptcy; bid disputes ; bond forfeitures; chronological files; commitment cases; employment law ; fair housing; forcible detainers; garnishments; general litigation; interpleader; investigations; liability defense (SIR); licensing; privilege license tax; orders to show cause; tort; public fiduciary; reference and example records; and revenue and collection records; tax appeal and tax condemnation)		
	a. Litigation records	5	After final disposition of case
	b. Advice records	5	After fiscal year advice given
2.	Short Term Reference Matter Records (may include, but not limited to AHCCS eligibility; bid disputes ; bond approval; foreclosure cases; condemnation, employment law ; escheats; judgments; and school district boundary change records; tax appeal; and tax condemnation)	10	After final disposition of case
3.	Long Term Reference Matter Records (including eminent domain, franchise records, and revocable permits)	30	After final disposition of case
4.	Significant Matter Records and Cases deemed Historically Significant by the Superior Court (including environmental issues, water rights and zoning cases)	Permanent	Preserve pursuant to ARS §39-101

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5.	Routine Contract Records (may include but not limited to advice on construction contracts, advice on IGA's and ISA's, advice on procurement contracts)	6	After reviewed
	a. Contract accepted	6	After contract expired, cancelled or revoked or after administrative value has been served, whichever is later
	b. Contract not accepted	3	After contract not accepted After final review or after administrative value has been served, whichever is later
6.	Significant Contract Records (including advice on contracts with loans)	10	After final review completed
7.	Child Support Records	4	After youngest child's 18 th birthday, court order, dismissal or court closing or settlement, whichever comes first
8.	Claim Records (without complaint)	2	After claim filed
9.	Formal Legal Opinions	10	After opinion given or after reference value has been served, whichever is later
10.	Litigation and Claim Records involving Minor Children	20	After date of birth of minor child
11.	Voting Right Submission Records sent to U.S. Department of Justice (including redrawing boundaries or voting districts, precincts, and other related records)	13	After fiscal year created or received

Records Retention Schedule for**All Public Bodies****Legal Records****Contracted Attorney Records****(administrative records only, follow appropriate schedule for case files)**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
12.	Invoices and Supporting Documentation		
	a. Capital cases	1	After notification of death
	b. All other cases	1	After contract expired, cancelled or revoked
13.	Correspondence		
	a. Attorney	1	After contract expired, cancelled or revoked
	b. Expert Witness	-	After administrative value has been served
	c. Pro Per	1	After fiscal year sentencing occurred
14.	Request for Expenditures	6	After contract expired, cancelled or revoked

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Records Management Division

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**Records Retention Schedule for
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Criminal Prosecution Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
15.	Appellate Cases to State Supreme Court, State Court of Appeals or 9 th Circuit Court of Appeals – Brief Bank a. Historically Significant b. All other cases	Permanent 25	Preserve pursuant to ARS §39-101 After date of last finding or ruling by court
16.	Bad Check Records a. Criminal Complaint Records (work copies) b. Case Records i. With complaint ii. Without complaint c. Restitution Accounting Records and Reports	1 3 1 3	After case adjudicated or after notification of death, whichever comes first After final disposition of case and final restitution is paid or after notification of death, whichever comes first After final disposition of case and final restitution is paid or after notification of death, whichever comes first After fiscal year payment made paid
17.	Cases with Death Penalty Verdict/Sentence (including defendant on death row; defendant executed; defendant dies of natural causes prior to execution; and defendant is resentenced to life, lesser term or overturned)	Permanent	Preserve pursuant to ARS §39-101
18.	Criminal and Civil Asset Forfeiture Cases a. Submitted and turned down with no expectation of prosecution b. Concluded by plea agreement, judgment or verdict	3 7	After date of turn down After expiration or conclusion of appeal(s) and/or restitution

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Legal Records
Criminal Prosecution Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
	c. High public profile or of historical interest	Permanent	Preserve pursuant to ARS §39-101
19.	Dismissals Without Prejudice, Dismissals With Plea, and No True Bills		
	a. Class 1 Felonies	35	After order of dismissal completion of imposed sentencing period or after notification of death, whichever comes first
	b. Class 2-3 Felonies	7	After order of dismissal completion of imposed sentencing period or after notification of death, whichever comes first
	c. Class 4-6 Felonies	3	After order of dismissal completion of imposed sentencing period or after notification of death, whichever comes first
	d. Sex Crimes Offenses	35	After order of dismissal
	e. c. Misdemeanors and Petty Offenses	4 months	After order of dismissal completion of imposed sentencing period or after notification of death, whichever comes first
20.	Dismissals With Prejudice and Acquittals		
	a. Class 1 Felonies	10	After order of dismissal ruling made or after notification of death, whichever comes first
	b. Sex Crime Felonies	7	After order of dismissal
	b. c. Class 2-6 Felonies except Homicides and Sex Crimes Felony	1	After order of dismissal ruling made or after

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<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
21.	Offenses		notification of death, whichever comes first
	e. d. Misdemeanor and Petty Offenses	4 months	After order of dismissal ruling made or after notification of death, whichever comes first
	d. e. Diversion Dismissals	2 months	After successful completion of diversion program or after notification of death, whichever comes first or after notification of death, whichever comes first
	Completed		
	a. Class 1 Felonies	35	After completion of sentence imposed sentencing period or after notification of death, whichever comes first
	b. All other Homicides	1	After completion of sentence imposed sentencing period or after notification of death, whichever comes first
	c. Sex Crime Felonies	35	After completion of sentence or after notification of death, whichever comes first
	e. d. Class 2-6 Felonies except Homicides and Sex Crimes Felony Offenses	1	After completion of sentence imposed sentencing period or after notification of death, whichever comes first
	d. e. Misdemeanors and Petty Offenses (except Domestic Violence, Driving Under the	2	After completion of sentence imposed sentencing period or after

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<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
	Influence (DUI) and Bad Check cases)		notification of death, whichever comes first
	e. Domestic Violence, Driving Under the Influence (DUI) Misdemeanors	5	After completion of sentence imposed sentencing period or after notification of death, whichever comes first
22.	Electronic Interception Records Rejected by Court for Lack of Probable Cause	7	After date of finding court ruling
23.	Mediation Agreement Records	5	After mediation completed
24.	Sexually Violent Person Cases	35	After completion of sentence or after notification of death, whichever comes first

**Records Retention Schedule for
All Public Bodies
Legal Records
Juvenile Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
24. 25.	Adoption Records (uncontested – including work papers)	7	After calendar year of final disposition of case
25. 26.	Juvenile Delinquency Work Records (including petition/disposition for prosecuted cases) a. Where civil rights removed	-	When juvenile reaches 30 years of age or after notification of death, whichever comes first (ARS §13-912.01(C))
	b. All other records	-	After juvenile reaches 25 years of age, after notification of death, whichever comes first (ARS §§ 8-349(D) – 8-349(E))
26. 27.	Traffic Work Records	-	After juvenile reaches 19 years of age

**Records Retention Schedule for
All Public Bodies
Legal Records
Indigent Representation Office Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
27. 28.	Juvenile Civil Case Records a. Appeals	7	After final disposition of case or when client's youngest child reaches 18 years of age, whichever comes first; or after notification of client's death
	b. Dependencies/severance	7	After final disposition of case or when client's youngest child reaches 18 years of age, whichever comes first; or after notification of client's death
	c. Landmark/historical cases	Permanent	Preserve pursuant to ARS §39-101
28. 29.	Extraditions a. Contested	5	After final disposition of case or 2 years after discharged from probation, whichever is later
	b. Uncontested	1	After final disposition of case
29. 30.	Mental Competency (non-restorable, does not apply to juveniles)	-	After notification of death
30. 31.	Case Records and/or Post Conviction Relief (PCR) Records (including client sign-in sheets and trust fund records) a. Death penalty, homicides and life time probation (including appeals) b. All other felonies	- 10	After notification of death After final disposition of case or after notification of death
	c. Misdemeanors i. DUI	7	After final disposition of case or discharged from probation, whichever is later; or after notification

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Legal Records
Indigent Representation Office Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
			of death
	ii. All others	2	After final disposition of case or discharged from probation, whichever is later; or after notification of death
	d. Appeals (except death penalty, homicide or life time probation)	5	After appellate decision or 2 years after sentence completed or discharged from probation, whichever is later; or after notification of death
	e. Bench warrants	1 month	After date of administrative order dismissing warrant or after notification of death, whichever comes first
	f. Dismissals		
	i. Class 1 felony	-	After notification of death
	ii. Class 2-6 felony	7	After dismissal order issued
	iii. Misdemeanor	1	After dismissal order issued
	iv. Petty offense	6 months	After dismissal order issued
	g. Involuntary Committal records	5	After final disposition of case or after notification of death, whichever comes first
	h. Sex Crime cases	10	After final disposition of case or after notification of death, whichever comes first
	i. Landmark/historical cases	Permanent	Preserve pursuant to ARS §39-101
	j. All other cases	4	After final disposition of

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Legal Records
Indigent Representation Office Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
			case

**Records Retention Schedule for
All Public Bodies
Legal Records
Victim Records**

<u>Item #</u>	<u>Records Series</u>	<u>Retention (Yrs.)</u>	<u>Remarks</u>
31. 32.	Intake Sheets	2	After calendar year created or received
32. 33.	Post Conviction Notifications	2	After created or received
33. 34.	Property Case Records	-	After final disposition of case
34. 35.	Victim Compensation Program Records (including applications, police reports and board decisions)		
	a. Approved	5	After cap has been reached or 99 years after application approved, whichever is later
	b. Denied or Incomplete	3	After denied
35. 36.	Victim Services Field Case Records		
	a. Class 1 Felonies	25	After final disposition of case
	b. All other records including juveniles	5	After final disposition of case
36. 37.	Witness Client Records		
	a. First degree homicides	15	After date final disposition of case
	b. All others	5	After date final disposition of case

Supersedes schedules Counties/County Attorney dated November 5, 2001; Counties/Public Defender dated November 5, 2001; and Municipalities/Attorney dated April 4, 2002

Note: This schedule does not apply to any Arizona court. Their retention periods are set by the Arizona Supreme Court.

Questions/Comments on Draft 1:

Thanks for all the input on this schedule. I think I have corrected all the typos and grammatical problems, but I wouldn't swear to it. Below I have complied all the questions and comments that I received and I have tried to address them all. They are broken down into general questions/comments and then item specific ones. Any input would be greatly appreciated.

General questions/comments:

One suggestion was to have the cities create a city schedule collectively and for them to submit that, and for the counties to do the same. If they would like to get together and do that, that would be great. I have found though that I have a hard enough time getting feedback and I don't know when I could expect the cities and counties to do something like that.

Courts are bound by the retention schedule developed by the Supreme Court. I added a note at the end of the schedule stating that.

Juvenile records are based on the juvenile's birth date. Is this difficult to track? If it is, does anyone have a suggestion on what to put on the schedule so the records are kept long enough? I could just put a blanket 25 year period, but for older juveniles the records would be kept considerably longer than necessary.

On many other schedules that I have added that the records can be destroyed at the end of the calendar year of the event that marked the active life of the record. I can do that here and records could then be purged once a year if that would be helpful.

Is there a need for the legal records to match law enforcement records? Law enforcement records are kept 99 years when fingerprints are taken on arrest. Do legal records for those cases need to be kept 99 years as well?

Grant records are on the General Schedule for Management Records.

The headings for the different categories, i.e. Advocate Records, Adult Records, etc. are in alphabetical order. If someone has a better order, please tell me what that would be.

This general schedule will supersede individual custom schedules, unless your custom schedule has a longer retention time or there is an item on your custom schedule not covered by a general schedule. We will consider requests for times other than that on the general schedule, but you need to have a valid reason for why you need a different retention period.

This schedule would apply to fire districts, water districts, school districts, etc. because they all have attorneys with the districts' legal records. Most of the records series on here probably would not apply, but there are some that would.

Someone made a comment about the long retention periods and cited something about 25 years for a misdemeanor DUI. That has a retention of 5 years and I'm not sure how you came up with 25 years. Now if it went to the Supreme Court, that would be 25 years. I'm confused how you got misdemeanors had such a long retention.

There were a couple of questions/comments on historic records. By statute, the State Archivist determines what records are historic. She worked with the courts to come up with a definition. Records are deemed historic if they document a controversial issue, document a program, project, event or issue that results in a significant change that affects the local community,

city, county or state, document a program, project, event or issue that involves prominent people, places or events, or document a program, project, event or issue that resulted in media attention locally, statewide or nationally. Anything that is historic may be transferred to the State Archives and they will be responsible for the preservation of the records.

There was a comment that civil matters and criminal matters are very different, yet they are grouped together. Civil records have a heading and are items 7-17 and criminal records have a heading and are items 21-27.

I added in remarks that if there is notification of death, the records can be destroyed after that as well.

Item specific:

Item 3: There was comment that this was not applicable because it was covered under another classification. Where would that be?

Item 7: I separated litigation from advice

Item 8: I used the term "short term" to distinguish from the next 2 sections which are long term and significant. Is there something else you would rather I called it besides "short term"?

Item 9: I removed licenses since they are covered somewhere else. Some public bodies issued permits for many different activities and those permits could be revoked by the public body. These would be records for cases involving those permits.

Item 11: I changed the minimum retention to 6 years after contract expired, cancelled or revoked to cover the statute of limitations for contracts.

Item 14: I specified that the claim records were without complaint since if there was a complaint it would become a litigation record.

Item 15: I changed the title to Formal Legal Opinions

Items 18-20: The case records of contracted attorneys would be the same as case records listed elsewhere on the schedule. These are general records that a contracted attorney would create or receive that would be public records.

Item 34g: I tried to get those to reflect what the commenter requested. If this is not right, please let me know.

Item 34h: This was added by request.

Item 39: Met with ACJC to clarify this item.

Removed item called Prosecutor Case Records because they would fall under the different types of cases.

Questions/comments on Draft 2 (April 10, 2011):

General comments

Retention schedules now reflect the minimum amount of time that a record must be kept. If you have a need to keep a record for a longer period of time then you may do so and you do not have to get further permission from office to do that.

I separated the schedule so that a new section will start on new page. The header will reflect which section the records will fall under.

There were separate sections for the Legal Advocate, Public Defender and Legal Defender because several years ago Maricopa County told me that the three groups had different purposes and they needed their records for different amounts of time. Since no one can explain why that is true anymore, those different sections have all been combined into one section with the same retention time for those records. I changed the section title of Legal Advocate, Legal Defender and Public Defender to Indigent Representation Office since some offices call these things different things.

I removed all the sex offender sections. The reason they were separate before is because law enforcement is required to keep those records for 109 years. I have learned that there is not the same requirement for attorney records.

There are some questions about the terminology of some records series. I used the terms that are on currently approved schedules. If you call the records something else, I can include that in with the records series title to help make it clearer what the records are.

Item specific:

Item 5b: I changed this to 3 years to reflect the amount of time that unsuccessful bids are kept.

Item 1-4: I used the terms that I did because that is what the Attorney General's office came up with to distinguish between the different types of records. "Short term" was used to distinguish from the next 2 sections which are long term and significant. Is there something else you would rather I called it besides "short term"?

Item 12-14: These records for the contract attorneys are just for the administrative records, it is not the case records. Item 12 is just the office copy of the financial records where the contract employee is paid. It is not the actual contract and that is why the retention period is less than the amount of time that contract records are kept.

Item 24: There are some county attorneys that believe the 7 year time period applies to them and others that believe the 99 year time period applies to them. Someone other than me needs to make that decision.

Item 25: I added the ARS citation that states how long the records have to be kept.

Item 29: There was comment that talked about how mental competency did not apply just to juveniles. This isn't under the juvenile section and it does not just apply to juveniles so I didn't understand the comment.

Item 30c(i) – I changed this to 7 years since the state can allege a prior DUI up to 7 years.

Items 31 – 36 Victims Records – someone said they filed these with the case records. As long as they are kept the minimum amount of time that the records are required to be kept, that is fine. There is not a problem keeping the records longer than the minimum.